

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TODD S. ELWERT, DC, INC., an Ohio corporation, individually and as the representative of a class of similarly-situated persons,

Plaintiff,

VS.

ALLIANCE HEALTHCARE SERVICES, INC.
and JOHN DOES 1-10,

Defendants.

SANDUSKY WELLNESS CENTER, LLC, an Ohio limited liability company, individually and as the representative of a class of similarly-situated persons,

Plaintiffs,

VS.

WOODLAND DIAGNOSTIC IMAGING, LLC;)
ALLIANCE HEALTHCARE SERVICES, INC.;)
ALLIANCE HEALTHCARE, INC.;)
ALLIANCE HEALTHCARE, LLC; and JOHN)
DOES 1-10,)

Defendants.

Case No: 5:15-cv-2223 -SL

Judge: Sara Lioi

Magistrate Judge: George J. Limbert

ORDER GRANTING CERTIFICATION OF CLASS AND PRELIMINARY APPROVAL OF CLASS SETTLEMENT AGREEMENT

Case No. 3:15-cv-2673 Consolidated Into


Case No. 5:15-cv-2223

Upon consideration of Plaintiffs' Motion for Certification of Class and Preliminary Approval of Class Settlement Agreement, this Court **GRANTS** the Motion and **ORDERS** as follows:

- (1) Pursuant to Rule 23(a) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court finds that (a) the class, which consists of 1,733 members, is so numerous that joinder of all members would be impractical; (b) there are questions of law and fact common to the class; (c) the claims of the Plaintiffs are typical of the claims of the class members; and (d) Plaintiffs and their attorneys will fairly and adequately protect the interests of the class.
- (2) Pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court finds that the questions of law or fact common to the class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.
- (3) In accordance with the previous findings, and by agreement and stipulation of the parties, this Court certifies a class as follows: “All persons or entities who successfully received, on or about September 14, 2015, the Alliance Imaging Fax.”
- (4) In accordance with the previous findings, and by agreement and stipulation of the parties, the Court appoints Todd S. Elwert, D.C., Inc. and Sandusky Wellness Center, LLC as the representatives of the Class and appoints Matthew E. Stubbs of Montgomery, Rennie & Jonson and Ryan M. Kelly of Anderson+ Wanca as counsel for the Class.
- (5) Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court additionally finds that the Class Settlement Agreement (Exhibit 1 to Motion) is fair, reasonable, and adequate and in the best interests of the Class Members. Accordingly, the Class Settlement Agreement is preliminarily approved.
- (6) The proposed Notice of Class Action and Proposed Settlement (Exhibit 3 to Motion) is a reasonable and appropriate means of notifying the Class Members of this action and the proposed settlement. The Court further approves the plan of notice set forth in the Motion, which includes delivery of the Notice of Proposed Class Settlement via mail, fax, and e-mail;
- (7) A hearing on final approval will be conducted on August 30, 2018 at 10:00 a.m. in Courtroom 530, for the following purposes:
 - (a) to finally determine whether the proposed Class Settlement Agreement is fair, reasonable, and adequate;
 - (b) to determine an appropriate award of attorney fees; incentive award; and expenses;

- (c) to determine the distribution of the Settlement Fund among the eligible Class Members;
- (d) to hear any objections to the proposed Class Settlement Agreement and plan for distribution; and
- (e) to rule upon such other matters as the Court may deem appropriate.

Dated: June 1, 2018



The Honorable Sara Lioi
United States District Judge